

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TONY ROBINETT,

No. C 09-3845 SI (pr)

Plaintiff,

**ORDER EXTENDING DEADLINE
FOR AMENDED COMPLAINT**

v.

CORRECTIONAL TRAINING
FACILITY; et al.,

Defendants.

Tony Robinett, an inmate at the Correctional Training Facility in Soledad, filed a pro se civil rights action under 42 U.S.C. § 1983 alleging that he was injured when he fell from his ladderless bunk bed. The court reviewed the complaint under 28 U.S.C. § 1915A and dismissed it with leave to amend by August 20, 2010. Plaintiff sent to the court a letter dated July 29, 2010 requesting an extension (of an unspecified length of time) of the deadline to file the amended complaint because he wants to try to locate an attorney to represent him. Upon due consideration, the court GRANTS a 60-day extension of the deadline. (Docket # 12.) Plaintiff must file his amended complaint no later than **October 22, 2010**. No further extensions of this deadline will be permitted.

The court construes plaintiff's July 29, 2010 letter also to be a request for appointment of counsel and DENIES the request. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires

1 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
2 articulate his claims pro se in light of the complexity of the legal issues involved. See id.
3 Neither of these factors is dispositive and both must be viewed together before deciding on a
4 request for counsel under section 1915(e)(1). Here, exceptional circumstances requiring the
5 appointment of counsel are not evident.

6 IT IS SO ORDERED.

7 Dated: August 23, 2010



SUSAN ILLSTON
United States District Judge